

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EARNEST SCOTT, Jr.,	:	
Plaintiff	:	
v.	:	Case No. 3:21-cv-194-KAP
NURSE CONOR MYERS, <i>et al.</i> ,	:	
Defendants	:	

Memorandum Order

Plaintiff Scott's motion to compel, ECF no. 63, seeking an order compelling defendants to provide him with free copies of discoverable documents, is denied. The presumption is that the responding party bears the expense of complying with discovery requests. See Race Tires America, Inc. v. Hoosier Racing Tire Corp., 674 F.3d 158 (3d Cir. 2012). However, the motion makes it clear that defendants **have** complied with the discovery requests and produced the documents for plaintiff's review. Neither Race Tires America nor its cited authority, Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 358 (1978), create a right to free copies. As with other litigation tools Scott has sought funding for, free copy work is not part of the grant of leave to proceed *in forma pauperis*. If there is any other basis for a motion to compel (the glitch with the video recording appears to have been resolved since the content of the video is referenced in a subsequent motion), Scott has not presented it.

Scott's motion for spoliation sanctions, ECF no. 71, is denied. Scott argues that a witness misrepresented the contents of the video. That does not show that any defendant has committed spoliation.

Scott's motion to extend the discovery period, ECF no. 72, is based on his erroneous assumption that he is entitled to free copy work, and is denied. If there is some other reason to amend the pretrial schedule, a party can raise it, but Scott has filed a motion for summary judgment at ECF no. 65, so he apparently believes the record is already adequately developed.

According to my pretrial order, defendants' response to Scott's motion for summary judgment is due within 30 days (i.e. in late December), and defendants have until January 31, 2023 to file their own cross motion. To avoid my review of unnecessarily repetitive paperwork, defendants shall file one response or cross motion on or before January 31, 2023, to which Scott can reply by February 28, 2023.



DATE: December 6, 2022

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel of record and by U.S. Mail to:

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